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 Attorneys for Defendants LEIGHTON LAW, P.A.,
 a Florida Corporation; and JOHN LEIGHTON,
 an individual

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada Limited
 Liability Company)

Plaintiff,)

v.)

LEIGHTON LAW, P.A., a Florida
 Corporation; and JOHN LEIGHTON,
 an individual,)

Defendants.)

CASE NO. 2:10-CV-02067

ANSWER TO COMPLAINT
(Jury Trial Demanded)

COME NOW Defendants, LEIGHTON LAW, P.A. and JOHN LEIGHTON, in both his
 individual and official capacity, and answer Plaintiff's Complaint on file herein as follows:

Answering Defendants are without sufficient knowledge or information to form a belief as
 to the truth of the allegations contained in Paragraphs 1, 2, 3, 10, 11, 12, 15, 16, 24, 25, 26, 27,
 32, 33, 24, 25 of Plaintiff's Complaint, and for that reason, deny them.

Answering Defendants admit the allegations contained in Paragraphs, 4, 5, and upon
 information and belief admit 6, 7, 8 of Plaintiff's Complaint.

Answering Defendants deny each and every allegation contained in Paragraphs 9, 13, 14,
 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 36, 37, 38, 39, 40, 41, 42, and 43 of Plaintiff's complaint.

1 Answering Paragraph 31 of Plaintiffs' Complaint, answering Defendants repeat, reallege
2 and incorporate herein by reference, as though fully set forth, their answers to Paragraphs 1
3 through 30.

4 **ANSWER TO PRAYER FOR RELIEF**

5 **AFFIRMATIVE DEFENSES**

6 Without admitting the truth of any allegations set forth in the Complaint, Defendants
7 assert the following affirmative defenses to the Complaint and the claims for relief purportedly
8 stated therein:

- 9 1. The Complaint, and the claims for relief alleged therein, fail to allege facts sufficient
10 to state a claim upon which relief may be granted against Defendants under any theory.
- 11 2. Plaintiff is barred from maintaining its Complaint, and the claims for relief alleged
12 therein, because Plaintiff lacks standing.
- 13 3. Plaintiff's claims are barred because Defendants have not infringed any copyrights
14 belonging to Plaintiff.
- 15 4. Plaintiff's claims are barred to the extent that Plaintiff has not properly or timely
16 registered its allefed works with the U.S. Copyright Office.
- 17 5. Plaintiff's claims are barred by the doctrine of fair use.
- 18 6. Plaintiff's claims are barred by doctrine of implied license.
- 19 7. Plaintiff's claims are barred by estoppel and laches.
- 20 8. Plaintiff's alleged copyright is invalid and/or unenforceable.
- 21 9. The Court lacks personal jurisdiction over Defendants and venue is improper in this
22 Court.
- 23 10. Plaintiff's claims are barred by the doctrine of misuse of copyright or failure to give
24 proper statutory notice.
- 25 12. Defendants reserve its rights to assert additional affirmative defenses as evidence of
26 those affirmative defenses become available.

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CONCLUSION AND PRAYER

1. That Plaintiff takes nothing by its Complaint;
2. That Defendants recovers from Plaintiff its reasonable attorneys' fees as allowed by law;
3. That Defendants recovers from Plaintiff its costs of suit; and
4. For such other and further relief to which Defendants may be justly entitled.

DATED this 27th day of December, 2010.

OLSON, CANNON
GORMLEY & DESRUISSEAU

BY: /s/ James R. Olson, Esq.
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